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#### The changing face of A-76

The federal government is serious about efficient management. Fueled by President Bush's Management Agenda, this effort is evident with proposed regulation reforms covering everything from financial reporting to staffing. But perhaps the hottest current issue centers on the recommendations regarding OMB Circular A-76.

Recently a 12-member panel, led by Comptroller General David Walker, reviewed the A-76 process. Noting its inconsistency with what needs to be accomplished in the procurement arena, the panel recommended that everyone's interest would be better served by developing a new system. Following is a synopsis of their recommendations:

- All sourcing decisions should be guided by 10 general outsourcing principles. These range from consistency with human capital practices to accountability.
- The new process should use the Federal Acquisition Regulation as the framework for conducting public-private competitions.

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## Navigating Alternative Dispute Resolution

Bias complaints and Equal Employment Opportunity Commission (EEOC) reviews are costly proceedings that can greatly affect an agency's performance. They cost valuable time and money, and as agencies scrutinize their performance and budgets, they're turning to more effective options such as Alternative Dispute Resolution (ADR).

But what is ADR and how does it work? Following is a brief guide to assist federal managers in their quest for employment fairness and financial effectiveness.

### What is ADR?

Alternative Dispute Resolution generally refers to those techniques employed to resolve an employment issue outside of the more traditional and costly processes like litigation, hearings and appeals.



Every agency is required to have an ADR program, but it's up to their discretion as to what techniques they use and in which cases they offer it. Agencies can select from, or combine, a variety of ADR techniques for its program, including mediation, facilitation, fact-finding, early neutral evaluation, the use of an Ombudsman, settlement conferences, mini-trials, and peer review. In the past, mediation has been the most popular form of ADR offered by federal agencies.

According to the EEOC, federal ADR programs must be:

- Voluntary – All parties involved must willingly participate. They may terminate proceedings at any time to pursue the traditional EEO complaint process.

- Neutral – ADR proceedings must be impartial. Third parties cannot have a stake in the outcome.
- Confidential – Information concerning an ADR case may not be included in formal EEO complaints. That information is to be managed by the parties involved and the neutral third party.
- Enforceable – The agreement must be in writing and signed by both parties, so that it can be enforced.

### How does it work?

The EEOC notes that if an agency offers ADR during the informal stage of the EEO process, then the employee initiating the complaint may choose between ADR or traditional EEO counseling. If he/she chooses ADR, then all EEO counseling will end. This typically extends the pre-complaint processing period from 30 to 90 days, but saves time in the long run.

The agency may also offer ADR if the employee has opted to file an official EEO complaint. If the employee agrees to ADR at this time, then it must be detailed in writing and signed by both parties. This extends the 180-day processing period for formal complaints by an additional 90 days.

### Why is it beneficial?

ADR has many advantages, but the bottom line is it saves time and money. It allows people to work out solutions early and informally, without the cost and hassle of traditional EEO complaint processes or litigation. Additionally, it is a more morale-friendly solution, allowing all involved to quickly reach a mutual agreement.

### Selecting an ADR program.

When choosing an ADR program, there are a lot of choices available. This can be overwhelming, which is why it's important to call in the experts. FedSource provides a variety of ADR providers that can work with you to identify your agency's needs and develop the right solution. For more information, visit [www.fedsources.gov](http://www.fedsources.gov).

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- This process should also incorporate key cost comparison provisions of Circular A-76.
- While agencies continue to use A-76 in the interim, the rules should be modified to provide for more accurate cost comparisons, enhance accountability, and ensure greater fairness for all parties concerned.
- The federal government should promote high-performing organizations as a standard business practice, independent of any sourcing decision.

While some of these changes can be implemented under existing regulations, it will still take some time to understand and implement all changes. *FedSource* will monitor the issue and continue to provide updates on how these recommendations will affect day-to-day operations.



## *The simple way to streamline procurement*



Now more than ever, federal agencies are concentrating their efforts, striving to accomplish their missions in the most effective and efficient manner. As a result, federal managers are clamoring for the latest tools and technologies they need to get the job done. It's a task that had been cumbersome and time-consuming, but now streamlining procurement is as easy as a mouse-click or phone call.

Partnering with other federal agencies is a simple solution to help in the short and long term. While many groups are busy modifying procurement on the regulation side, specialized providers act as an extension to internal acquisitions offices. Their expertise provides skeleton crews a helping hand, so they can focus their efforts on bigger things.

"With office centralizations and workforce shortage issues, procurement officers and contract managers are stretched thinner than ever before," says Karen Blum, Chief Operating Officer of *FedSource*-St. Louis. "By hiring specialized organizations like *FedSource*, these professionals can get the assistance they need -- from management advisory services to project support -- so they can breathe a little easier."

While entering into interagency partnerships sounds easy, it's important to identify the correct ones to effectively meet your needs. To help, *FedSource* provides the following tips on what to look for in a potential service provider:

1. **Industry knowledge.** Do they have the know-how to assist you from the

beginning? For example, can they help you identify your true needs and then develop viable solutions to fit those needs?

2. **Federal experience.** The federal government is filled with rules and regulations. Do they have federal clients? Do they understand that they need a specific number of competitive bids?
3. **National reach.** What connections do they have? Do they have one local office or do they have purchasing power that extends nationwide?
4. **Check references.** Ask them to provide contact information for several current clients. Then contact them to make sure they performed well.
5. **Communication skills.** Two-way, open communication is key to a successful venture. But while two-way communication is necessary, it's their responsibility to make sure the communication lines are always open and things are rolling.
6. **A simple process.** Hiring experts won't help you save time or money if you're stuck in paperwork limbo. Make sure they have a simple way to start, implement, manage and wrap up a project before moving forward.
7. **Service.** Will you be able to get a human voice on the phone when you need it, or would you prefer to handle everything electronically? Make sure the organization provides the service you need, but has the flexibility to change with you.

Above all, Blum notes a service provider should make things easier for you -- not add to your workload.

"If you're getting piled high with mountains of paperwork or have to make a lot of follow-up calls to manage the contractors, chances are you don't have the right procurement partner."

If you need procurement assistance or would like more information on *FedSource's* service offerings, visit [www.fedsource.gov](http://www.fedsource.gov) or contact one of their four offices.